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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/492,231	01/27/2000	Ken-ichi Takatori	Q57674	9607	
75	90 01/14/2003				
	n, Zinn, Macpeak & Se	EXAMINER			
2100 Pennsylvania Avenue Washington, DC 20037-3202			DUDEK, JAMES ANDRE		
			ART UNIT	PAPER NUMBER	
			2871		
			DATE MAILED: 01/14/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Sammer   Dudek   2871					K					
## Examiner ## Didek   2871    ## Third MAILING DATE of this communication appears on the cover ab et with the correspondence address  **Period for Reply**  A \$HORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  ## Examiner ## Exam		Application No	).	Applicant(s)						
James A. Dudek   2871		09/492,231	_	TAKATORI, KEN-IC	HI					
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THE MAILING DATE OF THIS COMMUNICATION.  Edemions of time may be varieble under the provision of 3 CFR 1.15(b). In no event, however, may a reply be limity filed after SX (6) MONTHS from the mailing date of this communication.  It is personal to make the state of the communication of 3 CFR 1.15(b).  It is personal to make the state of the communication of the comm	Th MAILING DATE of this communication app Period for Reply	ears on the cov	er shet with the o	correspondence addi	'ess					
2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)  1-92 is/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s)  is/are allowed.  6)  Claim(s)  is/are rejected.  7)  Claim(s)  is/are objected to.  8)  Claim(s)  1-92 are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on  is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on  is: a) approved b) disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c)  None of:  1.  Certified copies of the priority documents have been received in Application No.  application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(b) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)  1  Notice of References Cited (PTO-822)  2  Notice of Draftsperson's Patent Drawing Review (PTO-948)	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply - If NO period for reply is specified above, the maximum statutory period v - Failure to reply within the set or extended period for reply will, by statute, - Any reply received by the Office later than three months after the mailing	36(a). In no event, how y within the statutory mand will expir yill apply and will expir y cause the application	wever, may a reply be tin ninimum of thirty (30) day e SIX (6) MONTHS from to become ABANDONE	nely filed  s will be considered timely. the mailing date of this com D (35 U.S.C. § 133).	munication.					
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## **DETAILED ACTION**

## Election/Restrictions

This application contains claims directed to the following patentably distinct species of the claimed invention: the first species is shown in figure 10 and the second species is shown in figure 11.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no generic exists.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Dudek whose telephone number is 308-4782. The examiner can normally be reached on 9:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L Sikes can be reached on 703-308-4842. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7721 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 103,308-0956.

James A. Dudek Primary Examiner Art Unit 2871

January 10, 2003